

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

Log #1085170

INTRODUCTION:

Officers responded to a call regarding a potential violation of an order of protection. Upon arriving, the officers detained Subject 1 and spoke to the complaining witness/caller who produced a valid order of protection prohibiting Subject 1 from entering the property. Subject 1 complained he was thrown to the ground causing him to fracture his wrist and sustain a laceration under his eye requiring stiches.

ALLEGATIONS:

It is alleged that on 13 May 2015, at approximately 7:33 pm, in the vicinity of XXXX S. Bell, **Officer A Star XXXXX** and **Officer B, Star XXXX** used excessive force in placing Subject 1 into custody, specifically:

- 1) grabbing and throwing Subject 1 to the ground,
- 2) injuring Subject 1's eye in a manner which required sutures,
- 3) twisting Subject 1's right arm while attempting to handcuff causing it to sustain a fracture which required a cast,
- 4) purposely over-tightening Subject 1's handcuffs in an effort to cause him deliberate pain and discomfort during his arrest.

APPLICABLE LAWS AND RULES:

Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

INVESTIGATION:

In an interview with IPRA, **Subject 1**, the Complainant, stated that he was inside the residence of the occurrence at XXXX S. Bell engaged in a dispute with his step-sister Subject 2 about the use of an automobile. The exact nature of the relationship between Subject 1 and Subject 2 is difficult to ascertain as Subject 1 referred to her as his step-sister while other reports describe the relationship as romantic. Subject 1 stated that he was inside the home when three officers initially confronted him, and that he was told by the officers to leave the premises. He initially described the officers as being in uniform, but later describes the 'aggressor' officer as being a "plainclothes detective" of possible Hispanic descent while the other two were in uniform. Subject

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1 stated he was in the process of leaving through the backdoor and entering the backyard when he was suddenly slammed to the ground by an officer who had followed him into the backyard. Subject 1 described being grabbed by his neck and his shoulders and lifted into the air before being brought down to the ground. Subject 1 described lingering pain to his “wings”; referring to his arms, and stated he has a “broken wing” which he cannot fully extend. He mentioned two other officers as assisting the ‘aggressor’ officer but stated they did not do anything physically harmful to him. He described being “slammed” after he was handcuffed, landing butt first on the ground, causing him pain to his hip and lower back area.

Subject 1 further described being picked up from the ground and placed in squad car to be transported to the Xth District lock-up. When asked about the injury to his eye, Subject 1 stated that the injury occurred before he was handcuffed and still inside the residence. He described being struck in the face and bleeding all over with some type of object, but specifically noted it was not a fist. Subject 1 stated that a fist could not “cut me open,” in reference to the noticeable bleeding he was suffering after being struck. Subject 1 stated he was actively bleeding when he was transported to the Xth District, and that he was transported to Mercy Hospital for treatment of his injuries. He described being photographed at Cook County Jail and appearing in court with his visible injuries, and that his picture was also taken during the proceedings.

Subject 1 further stated that his hand/wrist was injured as a result of his handcuffs being too tight, requiring his right wrist to be immobilized with a cast. He stated he doesn’t remember if he told the nurses and staff how he was injured. He describes being placed in a neck brace and subject to CAT scans and x-rays. Subject 1 stated he was in Cook County Jail for nine months. Finally, Subject 1 asserted the same aggressor police officer as unlawfully seizing his mail and opening it up inside the Xth District police station.

The **Arrest Report** indicates that Officer A and Officer B arrived on at XXXX S. Bell at approximately 1933 hrs. in response to a dispatch regarding a violating an order of protection. Subject 1 was located in the backyard of the property and had not made entry into the residence. According to the report, Subject 1 was detained by the officers and the victim Subject 2 produced a valid order of protection, “stating that the offender was not allowed at her home.” Subject 1 was arrested without incident and without the documented use of force. He was transported to the 9th District lock-up where he remained until 0326 hrs. on May 14 2017, after which he was transported to Mercy Hospital due to his pre-existing diabetic condition. The arrest report states that Subject 1 takes Enalapril for his condition, and that he shared this information with the arresting officers. (Att. # 13)

The **OEMC Event Query Report** details the 911 call and describes Subject 1 as an ex-boyfriend of the complainant. (Att. #14). It states that a cellular call was received to OEMC at 9:20 pm from a caller who identified herself as Subject 2 (sic), and that beat XXX responded to the dispatch. The remarks accompanying the Event Query state that the caller, later determined to

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be Subject 2, told the 911 operator that she had an order of protection against her ex-boyfriend, who was presently at her door with a dog.

Medical Records indicate that Subject 1 arrived at Mercy Hospital at 0000 hours on 14 May 2015. Upon arrival, he was evaluated by doctors who assessed his condition and performed an intake assessment and found no evidence of distress. Under Subject 1's history of present illness, Subject 1 presents with a history of hypertension and Type 2 Diabetes mellitus. Later the morning of May 14, 2015, Subject 1 was again seen by doctors and administered a second Intake screening with an emphasis on mental health. Subject 1 is described as actively suffering from a host of other ailments not relevant to this investigation along with bipolar disorder, type two diabetes, and diabetic neuropathy, and a closed fracture of the fifth metacarpal bone in his right hand from August of 2014. He has an extensive mental health history and was seen by multiple doctors and specialists following his arrival at Mercy Hospital. Subject 1 was treated and released from Mercy Hospital, then transported to Cook County Jail where he was booked on May 14, 2017 at 2300 hrs. (Att. #26, 27)

Subject 1 CPD Mugshots taken March 13, 2015

[Mugshots redacted under 7(1)(b) of the Illinois FOIA Statute, 5 ILCS 140, exempting private information from disclosure]

Subject 1 Admission photos from Cook County Jail taken March 14, 2015 at 11:00 pm and assigned booking number XXXXXXXXXXXX (Att. #23)

[Mugshots redacted under 7(1)(b) of the Illinois FOIA Statute, 5 ILCS 140, exempting private information from disclosure]

Attempts to contact Subject 2 to be interviewed as a witness were unsuccessful and she has not responded to registered letters sent to her residence (Att. #24, #25)

COPA Investigator A

COPA Investigator B

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CONCLUSION AND ANALYSIS:

COPA recommends that the **allegations #1-4** against **Officer A** and **Officer B** are **Unfounded**.

The medical records directly contradict the allegations Subject 1 has made lead to a finding that these allegations are unfounded. Nearly two years to the date of the incident, Subject 1 filed a complaint with IPRA alleging excessive force with injury against police officers now known as Officer A and Officers B. In his interview with IPRA, Subject 1 alleges that he was thrown to the ground by the officers and handcuffed very tightly. Subject 1 stated that his right arm was twisted at a painful angle, causing it to be either fractured or sprained, and requiring the use of a cast for it to heal. He also stated that he was struck in the eye region with an unknown object which broke the skin and caused him to bleed to the degree he needed stitches/sutures.

Subject 1's mugshot, taken 13 May 2017 at 11:21 pm. at the Xth District lockup is not consistent with the described injuries. Additionally, photographs taken of Subject 1 upon admission to Cook County Jail the next day on May 14th, at 11:00 pm do not depict any injuries consistent with the allegations of excessive force Subject 1 alleged.

Most notably, Subject 1's medical records following the incident do not reveal that he suffered any injury during his arrest, processing, transportation, and treatment while in CPD custody. Physician after physician describe his physical appearance as unremarkable and at no point are the injuries he has alleged he suffered documented by Mercy Hospital medical personnel. The medical records do not indicate Subject 1 complained of any cuts or abrasions to his face and there is no description of any procedure to suture any open wounds. Moreover, there is no mention of a broken, fractured, or sprained wrist or corresponding description of treatment for such injuries. The only even remotely similar injury mentioned was a fracture of a finger on the right hand that listed August of 2014 as the onset date. Finally, Subject 1 has an extensive mental health disorder background, and among the manifestations of his illness includes being bipolar and suffering from mood disorder (Att. #27). Therefore, lacking any medical documentation of the injuries, as well as any pictures showing any injury even remotely similar to what Subject 1 described in his interview, and the documented presence of mental health conditions, COPA recommends this complaint be declared unfounded.

As the allegations raised by Subject 1 are clearly unfounded and do not rise to the level of misconduct, it is not necessary that Officer A or Officer B address them in any way.

Approved:

COPA Deputy Chief Administrator A

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FINDINGS:

Accused 1: Officer A, Star XXXXX

Allegation 1 - 4: Unfounded

Accused 2: Officer B, Star XXXX

Allegation 1 - 4: Unfounded